

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ORDER

Criminal File No. 05-234 (MJD/SRN)

(1) DANIEL LEE BACOTE,

Defendant.

Andrew S. Dunne, Assistant United States Attorney, Counsel for Plaintiff.

Lee R. Johnson, Johnson & Greenberg, PLLP, Counsel for Defendant.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Susan Richard Nelson dated April 3, 2006. Defendant Daniel Lee Bacote filed objections to the Report and Recommendation.

Pursuant to statute, the Court has conducted a de novo review of the record. 28 U.S.C. § 636(b)(1); Local Rule 72.1(c). The Court has paid specific attention to the newly-filed transcript of surveillance tape. (Def's Objections to Magistrate's Report and Recommendation Ex. 1.) Based on that review the Court adopts the Report and Recommendation dated April 3, 2006.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**
HEREBY ORDERED that:

1. The Magistrate Judge's Report and Recommendation dated April 3, 2006 [Docket No. 61] is hereby **ADOPTED**.
2. Defendant's Motion to Suppress Evidence [Docket No. 40] is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendant's Motion is GRANTED as to a statement about possession of a gun permit;
 - b. Defendant's Motion is DENIED as to all other statements and evidence.

Dated: June 2, 2006

s / Michael J. Davis
Judge Michael J. Davis
United States District Court